

EXHIBIT D

Jennifer Daddio

From: Robert Grand
Sent: Thursday, February 28, 2008 11:43 AM
To: 'john@bozlaw.com'
Cc: Ira S. Sacks; 'Robert Carrillo'; Jennifer Daddio; crystal.scott@bozlaw.com;
ron.paltrowitz@bozlaw.com; Safia Anand; Mary Grieco
Subject: RE: Dates for Depositions

John,

Here are proposed dates for depositions of the retailer defendants, with the understanding that the deposition of a witness for Charlotte B will take place on March 7:

Intermix: March 6 (although this date precedes the Charlotte B deposition date, the Intermix witness is generally unavailable after 3/6)
Tierney: March 11
Lisa Kline: March 12 (in LA)
Wink: March 14
Saks: March 19

I am working on a date for Singer. Let me know if these dates work for you.

Best,
Rob

Robert J. Grand
Partner

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www.dreierllp.com

-----Original Message-----

From: John P. Bostany [mailto:john@bozlaw.com]
Sent: Tuesday, February 26, 2008 7:33 PM
To: Robert Grand
Cc: Ira S. Sacks; 'Robert Carrillo'; Jennifer Daddio; crystal.scott@bozlaw.com;
ron.paltrowitz@bozlaw.com; dana.melis@bozlaw.com
Subject: RE: Dates for Depositions

Hi Rob
Do you have dates for the Retailer depos?

John

The Bostany Law Firm

From: John P. Bostany [mailto:john@bozlaw.com]

Sent: Friday, February 22, 2008 7:47 PM
To: 'Robert Grand'
Cc: 'Ira S. Sacks'; 'Robert Carrillo'; 'Jennifer Daddio'; 'crystal.scott@bozlaw.com';
'ron.paltrowitz@bozlaw.com'; 'dana.melis@bozlaw.com'
Subject: Dates for Depositions

Hi Rob

Please lets get the dates for the Retailer Defendants set as well as the GMA depositions so that we can complete everything on schedule. Remember, on Feb. 7 Judge Freeman wanted you to give us dates for the Retailer Defendants to take place following the Charlotte B depo during the first 2 weeks of March and you advised that you were going to give us dates for the GMA depositions in March.

Please let us try to change course and start cooperating in the scheduling of these dates. There is no reason to be slinging mud on such a rudimentary exercise.

Thanks

John

The Bostany Law Firm

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Tuesday, February 05, 2008 2:58 PM
To: crystal.scott@bozlaw.com
Cc: john@bozlaw.com; Ira S. Sacks; Robert Carrillo; Jennifer Daddio
Subject: RE: Retailer Depositions

Crystal,

I sent you an email on this subject earlier today and in my email to you regarding the consent scheduling order I suggested a brief extension of the discovery cut-off to accommodate the remaining defendants depositions as well as the depositions of the GMA witnesses. You seem to have missed my emails and/or ignored my emails completely and jumped the gun on a threat to rush to the Court.

I gave you dates for Tierney (late this week) and the availability of a witness from Intermix (not until after March 5). A representative from Lisa Kline is generally available this month, except for February 12 through February 15. Let me know when you want to go forward and schedule these depositions.

Best,
Rob

Robert J. Grand
Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]

Sent: Tuesday, February 05, 2008 2:44 PM
To: Robert Grand
Cc: john@bozlaw.com; Ira S. Sacks; 'Robert Carrillo'; Jennifer Daddio
Subject: RE: Retailer Depositions

Please get back to me no later than tomorrow with definite dates for the retailer defendant depositions or we will have no choice but to ask Judge Freeman to set the dates after she ordered the parties orally on November 28 and in writing on December 11 to cooperate in scheduling them.

Crystal S. A. Scott, Esq.
The Bostany Law Firm
40 Wall Street, 61st Floor
New York, New York 10005
T: 212-530-4410
F: 212-530-4488
E: crystal.scott@bozlaw.com

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Tuesday, January 29, 2008 5:00 PM
To: crystal.scott@bozlaw.com
Cc: john@bozlaw.com; Ira S. Sacks; Robert Carrillo
Subject: RE: Retailer Depositions

This Friday, Feb 1 does not work, but I am waiting to hear about dates next week and the week after.

Robert J. Grand
Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Monday, January 28, 2008 5:26 PM
To: Robert Grand
Cc: john@bozlaw.com; Ira S. Sacks; 'Robert Carrillo'
Subject: RE: Retailer Depositions

Just writing to follow up on the Retailer Depositions. We would appreciate your cooperation in signing the Stipulation we have prepared.

Crystal S. A. Scott, Esq.
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E: crystal.scott@bozlaw.com

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Friday, January 25, 2008 5:08 PM
To: crystal.scott@bozlaw.com
Cc: john@bozlaw.com; Ira S. Sacks; Robert Carrillo
Subject: RE: Retailer Depositions

As discussed, I do not think a stipulation is necessary. Clearer communication between us in advance of the depositions will suffice. Having said that, as I mentioned to you on the phone, I do not know the availability of the retailer defendants on the dates you propose in the stipulation. As it is now past 5pm on Friday, I will reach out to the defendants and get back to you as soon as I can ascertain their availability.

Robert J. Grand
Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Friday, January 25, 2008 4:48 PM
To: Robert Grand
Cc: john@bozlaw.com; Ira S. Sacks; 'Robert Carrillo'
Subject: RE: Retailer Depositions

Mr. Grand,

We need to do a Stipulation so that the dates of these depositions are set in a more concrete fashion than our earlier arrangement. i.e. your letter proposing certain dates and my response agreeing to them which you advised was not sufficient for you to believe that the dates agreed upon were real.

Please sign the enclosed Stipulation and return it to me or if the dates are not acceptable, please contact me so that we can again propose dates that are acceptable to you.

Crystal S. A. Scott, Esq.
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T: 212-530-4410
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E: crystal.scott@bozlaw.com

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Monday, January 14, 2008 2:36 PM
To: crystal.scott@bozlaw.com
Cc: Ira S. Sacks; dana.melis@bozlaw.com; John Bostany
Subject: RE: Retailer Depositions

Ms. Scott,

I've seen your December 12 letter and my response. I still do not agree that there was any agreement from our perspective on the dates and times of those depositions. We certainly would not have been a "no show" to a deposition that we had scheduled, either intentionally or unintentionally.

Please let me know if the proposed dates work for Plaintiff.

Robert J. Grand
Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Monday, January 14, 2008 2:04 PM
To: Robert Grand
Cc: Ira S. Sacks; dana.melis@bozlaw.com; 'John Bostany'
Subject: RE: Retailer Depositions

Mr. Grand

I don't know why you would be confused. On December 13 you acknowledged receipt of my December 12 letter wherein I accepted all of your proposed dates, 2 of which were on definite dates, Jan. 7 (Wink) and Jan. 15 (Intermix). Another copy of my Dec. 12 letter is attached.

You responded on Dec. 13 as follows: "I had not seen Ms. Scott's letter before this evening. It does answer most questions raised in my letter. The one question still is with respect to Mr. Tierney's deposition".

Crystal S. A. Scott, Esq.
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From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Monday, January 14, 2008 12:34 PM
To: crystal.scott@bozlaw.com
Cc: Ira S. Sacks; dana.melis@bozlaw.com; John Bostany
Subject: RE: Retailer Depositions

Ms. Scott,

Apparently there has been a miscommunication regarding the Intermix and Wink depositions. As I recall, in December, before the break, the depositions of the retailer defendants were noticed for December 17 and December 27 and 28. We notified you that those dates were not good and did provide you with alternative dates for some of the retailer defendants. With respect to WINK, we informed you that a witness from WINK could be available during the week of January 7 or after. We never agreed to a date during that week, or anytime thereafter.

Similarly, as to the Intermix deposition you refer to for tomorrow, I recall that we informed you that a witness from Intermix would not be available until mid-January. Again, we never agreed to a deposition for tomorrow.

In the future, and to avoid additional miscommunication, please confirm the date and start time of depositions with our office in advance, rather than to presume that a deposition has been scheduled on available dates that we may have suggested.

In view of the foregoing, I will reach out to representatives from WINK and Intermix for available dates and get back to you.

Sincerely,

Robert J. Grand
Partner

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-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Monday, January 14, 2008 11:22 AM
To: Robert Grand
Cc: Ira S. Sacks; dana.melis@bozlaw.com; 'John Bostany'
Subject: Retailer Depositions

Mr. Grand

Please confirm that you will appear for the INTERMIX deposition which was rescheduled on consent to tomorrow Jan. 15.

We continue to await dates for the TIERNEY & KLINE depositions.

Also, please note that defendant WINK no showed at the deposition that was set for Jan. 7

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From: Andrew T. Sweeney
[mailto:andrew.sweeney@bozlaw.com]
Sent: Thursday, December 27, 2007 12:45 PM
To: 'Robert Grand'
Cc: 'Ira S. Sacks'; crystal.scott@bozlaw.com;
dana.melis@bozlaw.com; 'John Bostany'
Subject: RE: Tierney deposition and documents

Where are we with this? We need the documents and a new date for the deposition

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Friday, December 14, 2007 10:46 AM
To: john@bozlaw.com; Andrew Sweeney
Cc: Ira S. Sacks
Subject: RE: Tierney deposition

I spoke with the client yesterday and the majority of documents (though there are not very many at all) will not be ready to be turned over today. He is still pulling together purchase/sales related documents, which were a bit difficult to extract. The Tierney documents I can send to you today appear to be old screenshots captured from a website showing Charlotte Solnicki merchandise and comprise less than 10 pages. Based on this, it doesn't seem to make sense to go forward on Monday.

Robert J. Grand
Partner

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-----Original Message-----

From: John P. Bostany [mailto:john@bozlaw.com]
Sent: Friday, December 14, 2007 9:28 AM
To: Robert Grand; 'Andrew Sweeney'
Cc: Ira S. Sacks; dana.melis@bozlaw.com
Subject: RE: Tierney deposition

Hi Robert,

Lets have a look at what you're producing today and then we can let you know if it's a good idea to get the depo done on Monday.
Can you tell us what docs we won't have today or at least the category that they are in?

John

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Thursday, December 13, 2007 10:08 PM
To: Andrew Sweeney; john@bozlaw.com
Cc: Ira S. Sacks; dana.melis@bozlaw.com
Subject: RE: Tierney deposition

Andrew and John,

I see Ms. Melissinos' response. I had not seen Ms. Scott's letter before this evening. It does answer most questions raised in my letter. The one question still is with respect to Mr. Tierney's deposition. We will serve the responses to the document request tomorrow, but, as previously mentioned, Mr. Tierney is still in the process of gathering documents and his production will not be completed by Monday. Accordingly, I take it from Ms. Scott's letter that your firm will not proceed with his deposition on Monday and it will be rescheduled for some time after Mr. Tierney's production is complete.

Please confirm that the foregoing is correct so that I may inform Mr. Tierney.

Thank you.

Robert

-----Original Message-----

From: Dana Melissinos
[mailto:dana.melis@bozlaw.com]
Sent: Thursday, December 13, 2007 7:35 PM
To: Robert Grand
Cc: john@bozlaw.com
Subject: Tierney deposition

Hi Mr. Grand

I saw your letter.
Please see letter from Crystal from Tuesday that I think answers the question
Please email John or Andrew if you need anything further as I will be out tomorrow

Thanks

Dana Melissinos
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